

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOOL-PLAS SYSTEMS, INC.
Plaintiff,

Case No. 09-12003

v.

Honorable Patrick J. Duggan

CAMACO, LLC,
Defendant.

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on June 3, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This matter is before the Court on Plaintiff's motion for a preliminary injunction. Plaintiff alleges that, pursuant to an agreement with Defendant, it supplied defendant with stamping dies "to be used for seating components on a program which Camaco had with Ford Motor Company," (Verified Compl. at Para. 8.), and for which Defendant agreed to pay the amount of \$668,510.00 by November 30, 2008. Plaintiff alleges that Defendant did pay \$529,714.00, but that Defendant still owes \$138,796.00. On May 26, 2009, Plaintiff filed a complaint for "Breach of Contract" (Count I), "Conversion" (Count II), "Judicial Foreclosure" (Count III), "Injunctive Relief" (Count IV), and "Declaratory Judgment" (Count V).

Presently before the Court is Plaintiff's motion for preliminary injunction filed May 26, 2009. In its motion, Plaintiff asks this Court to enter an order enjoining Defendant from

further use of the stamping dies while this matter is pending. Plaintiff acknowledges that the following factors should be considered by the Court in determining whether a plaintiff is entitled to preliminary injunctive relief:

- (1) whether the movant has shown a strong or substantial likelihood or probability of success on the merits;
- (2) whether the movant has shown that he or she would suffer irreparable harm if the preliminary relief is not issued;
- (3) whether the issuance of a preliminary injunction will not cause substantial harm to third parties; and
- (4) whether the public interest would be served by the issuance of a preliminary injunction.

(Pl.'s Mot. at 2.) Defendant filed a response to Plaintiff's motion on June 1, 2009, and the Court held a hearing on the motion on June 2, 2009.

The Court is not persuaded that Plaintiff has shown a "strong or substantial likelihood or a probability of success on the merits" nor has Plaintiff shown that "it would suffer irreparable harm if the preliminary relief is not issued." For those reasons and for the reasons set forth on the record at the hearing on June 2, 2009, Plaintiff's motion for preliminary injunction is **DENIED**.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Stephen P. Dunn, Esq.
John R. Trentacosta, Esq.